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PRISON LABOR,

WITH TABLES

SHOWING THE PROPORTION

OF

CONVICT TO CITIZEN LABOR,

IN THE PRISONS OF THE

STATE OF NEW YORK,

AND OF THE

UNITED STATES.

By

John S. Perry

ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1885.

Soc 3955-2.9

~~75-2512-~~

1885 March 3, 1885

John

John Ball's Office.

PRISON MANAGEMENT.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE:

Nearly one hundred years ago, through the efforts of Sir William Blackstone and others, an act was passed for the establishment of a penitentiary, the object of which, as laid down by that great jurist, was : " By sobriety, cleanliness and medical assistance, by a regular series of labor, by solitary confinement during the intervals of work, and by due religious instruction, to preserve and amend the health of the unhappy offenders ; to inure them to habits of industry, to guard them from pernicious company, to accustom them to serious reflection, and to teach them both the principle and practice of every Christian and moral duty."

This comprehensive code, submitted to the world by that great statesman it is a pleasure to believe is substantially the code upon which most of the prisons in the United States are to-day conducted.

These British statesmen and humanitarians, however, had been anticipated in their work by the Dutch, for as early as 1717 Howard found the prisons in Holland under a most excellent industrial system. In the Dutch houses of correction, known as rasp-houses for males, and spin-houses for females, systematic labor had long been practiced. The effect of this is shown in the fact recorded by Howard, that, " reckoning population against population, there were ten executions in London to one in Amsterdam." In referring to this subject he says : " In England we thought only of *punishing* offenses; they thought to *reclaim* offenders for society. We put them in dungeons; they made the criminals work back to freedom; their professed maxim was, ' Make them diligent and they will be honest.' "

This committee has met for the consideration and discussion of the great question of prison management, and this can only be done intelligently by having a full knowledge of the existing conditions and circumstances.

In 1880, Col. Carroll D. Wright, chief of the Bureau of Labor Statistics of Massachusetts, gave to the world a most valuable and exhaustive report upon prisons and prison labor; but as many changes have taken place during the interval, perhaps a new presentation of the subject may not be time wholly wasted.

And first let me say that, being impressed with the general lack of definite knowledge on the subject, and particularly as to the relations that exist between citizen and convict labor, some fifteen months since I addressed a printed circular to the warden or superintendent of each penal and reformatory institution in this country, embodying twenty interrogatories; and I am happy to say that full and hearty replies have generally been made to the same. In the cases of a few that have failed to respond I have sought to obtain the desired information from other sources.

The State prisons and State penitentiaries in the United States, in and outside of which productive labor is performed by convicts, are as follows:

19 State prisons.				
29 State penitentiaries.				
1 Reformatory.				
49 Containing.....	29,981	men.		
=	649	women.		
Total.....	30,630			

The minor penal institutions in which such labor is more or less performed in a somewhat desultory manner by tramps, drunkards, petty thieves and other short-time men, are:

	Men.	Women.	Boys.	Girls.
33 County jails, containing	3,428	433	33	1
9 County penitentiaries, contain'g,	3,655	690	...	...
10 Houses of correction, " ..	2,580	582	765	84
10 Houses of refuge, " ..	845	239	2,457	496
2 Houses of industry, " ..	701	334	215	11
=	11,209	2,278	3,470	592
Total				17,549

The reformatory institutions in which some labor of this character is performed by women and children, in connection with farming and schooling, are:

	Women.	Boys.	Girls.
13 Reform schools containing.....	69	3,020	146
9 Industriel schools containing .....	...	913	425
3 Houses of reformation.....	293	453	14
<hr/>			
25	362	4,386	585
<hr/>			
Total	<u>5,333</u>		

To recapitulate—

49 State prisons and state penitentiaries containing.....	30,630
64 County jails and county penitentiaries, houses of correction, etc., containing.....	17,549
25 Reformatories containing.....	<u>5,333</u>
<hr/>	
138 Total.....	<u>53,512</u>

The number of adult males.....	41,190
" " " females.....	3,289
" " " male children.....	7,856
" " " female children	1,177
<hr/>	
Total	<u>53,512</u>

There are few institutions in which no productive labor is performed, which are not included in this statement.

I have found it impossible to secure reports from the minor institutions in regard to age, education, previous habits of industry, etc., but of the forty-nine State prisons and State penitentiaries the returns in these particulars are very complete.

It is frequently said by pessimists that crime increases and that morals are deteriorating. The records, as well as observation, I think, disprove this unhappy view of society.

It is estimated that on the 1st of January last, based upon the census of 1880, the population of the United States was—
55,218,861

That at the same date in 1877, seven years previous,
and about the time that the contracting of Prison
Labor went into full operation in the State of
New York, it was..... 46,367,207
Showing an increase of..... 8,851,654
or 19 1-10 per cent.

The returns show that about the 1st. of January, 1884, the
number confined in 54 State prisons and State and county peni-
tentiaries in this country was 33,235
That seven years previous to that date it was..... 30,568
Showing an increase of 2,667
or 8 8-10 per cent.

Thus in seven years the increase in the population of the
country was 19 1-10 per cent, while it was but 8 8-10 per cent in
the population of these prisons.

What more convincing proof could be desired, that regular
productive labor in our prisons is having a reformatory influence
upon their unfortunate inmates. And the evidence is equally
strong, that our churches and other institutions for benefitting
humanity, do not exist in vain.

Further, of 20,699 convicts in thirty-six State prisons and peni-
tentiaries reported under this head, but 2,834 or 13 7-10 per cent
appear to have been recommitted.

In the four State prisons of New York, containing 3,344 con-
victs, but 430, or 12 8-10 per cent, have been in those prisons
before. During the past five years 1,758 men have been dis-
charged from the Auburn prison and only 47 or 2 7-10 per cent
have been returned. Chaplain Searls says: "During the year
1883 there have been discharged from this prison 369 men. I
have been to considerable trouble to keep track of these men.
Up to this time I can learn of but nine of the 369 who have again
committed crime, and but four of them have been returned to
prison." During 1881 the number discharged from Sing Sing
prison was 788, while only 38 or 4 8-10 per cent of the num-

ber have been returned to that prison. During the year 1880 the number discharged from the three State prisons of New York was 1,415, and to the present time only 53 or 3 7-10 per cent have been returned. There are no records showing the commitments of these men in prisons outside of the State of New York, and therefore the total per centage of re-convictions must be a matter of estimate; but it is fair to assume that it is less than twenty. The percentage of re-commitments in country prisons is found to be much lower than in those situated near large cities. The warden of the New Hampshire State prison writes, that re-commitments are so rare he cannot give the percentage.

The report from prison officials is pretty uniform that the re-commitments of men who have acquired trades are few. The manager of a large contract in Sing Sing prison reports that during the past seven years they have not exceeded 3 per cent, and a still lower percentage is reported by a manager in the Auburn prison. Further evidence may be cited of the reformatory influences at work in our penal institutions.

The population of the State of New York, based upon the census of 1880, is estimated to be.....	5,408,000
Same in 1877, the year in which the contract labor system went into full operation.....	4,854,000
Increase, 11 4-10 per cent.....	554,000
The number of convicts confined in our three State prisons and one reformatory in 1877 was.....	3,673
Same in 1884.....	3,344
Decrease, 9 8-10 per cent.....	329

It is claimed in some quarters that this remarkable showing is due to an increase in the population of our five county penitentiaries. Investigation disproves this claim.

The number in 1877 was.....	2,641
The number in 1884 was	2,605
Decrease.....	36

These statements, however, must be taken with some allowance, as the authorities have no records of commitments in prisons outside of this State. It is a fair conclusion, however, that prisons and prison labor have a reforming influence.

As against this gratifying statement, I will mention one of a more alarming nature.

Of the 30,630 prisoners before mentioned, 20,174 or 65 8-10 per cent are under 31 years of age.

Is not the cause of this sad showing a legitimate subject for inquiry by this Legislature?

The United States bureau of statistics reports that during the past seven years 247,949 skilled mechanics have been added to our population from foreign countries. They have taken the place, to a large extent, of our native boys, who have been denied the privilege of American freemen to acquire trades by arbitrary rules, which are anything but democratic in their character. This is a growing and dangerous evil that statesmen cannot much longer ignore.

In the matter of education, I have only been able to get returns in regard to 24,522 convicts confined in 43 prisons. Of those confined, in 36 prisons mostly white,

74 7-10 per cent	can read and write.
7 5-10 " "	" read only.
17 8-10 " "	" do neither.

Of those confined in 7 prisons mostly black--

18 9-10 per cent	can read and write.
21 6-10 " "	" read only.
59 5-10 " "	" do neither.

Of the total number, white and black, confined in 43 prisons—

59 5-10 per cent.....	can read and write.
11 5-10 per cent.....	" read only.
29 percent.....	" do neither.

The industrial habits of the convicts, previous to arrest, is a pertinent inquiry. In forty-two State prisons and penitentiaries reported under this head, we find that—

6,189 or 25 per cent.....	had trades before arrest.
23,774 or 95 9-10 per cent... {	nominally, at least, had trades or other honorable occupation.
1,014 or 4 1-10 per cent....	had no occupation.
<u>30,977</u>	<u>100</u>

These figures are based upon the statements made by the convicts and are published in the annual reports of the institutions. It is not probable, however, that 96 per cent were actually engaged in productive labor at the time of their arrest.

I will now proceed to show the relations that exist between citizen and convict labor.

Table showing the mechanical industries pursued in prisons in the United States; the number of citizens other than children employed in the same industries as shown by the census of 1880; the number of convicts in State prisons and penitentiaries employed in such industries respectively, and the percentage of such convicts to such citizens.

Also the number of citizens, including children so employed, and the number of inmates of county jails and other minor prisons and reformatories employed in the same industries, and the percentage of such inmates to such citizens.

Also the total number of inmates of all prisons and reformatories so employed, and the percentage to the whole number of citizens so employed.

The prison statistics are made up to about January, 1884. The citizen statistics to January, 1880. During the subsequent four years the numbers must have materially increased.

TABLE.

ARTICLES MANUFACTURED.	NUMBER EMPLOYED OMITTING CHILDREN.	NUMBER EMPLOYED INCLUDING CHILDREN.		Percentage. Immates of county not prisoners and jails and other institutions and convicts and inmates of jails, etc., and total number of convicts and inmates of jails, etc., and performers of jails, etc., and immates of county not prisoners and jails and other institutions not performers.	Percentage.
		Free labor.	State penitentiaries and convicts confined in state prisons and jails and other institutions not performers.		
Agricultural implements.....	38,386	159	39,580	... . . . .	159 00 4
Bolts and rivets.....	4,446	98	5,064	44 00 8	142 02 0
Boots and shoes.....	130,386	4,051	134,256	2,112 01 6	163 04 5
Boxes.....	16,046	20	20,400	35 00 3	55 00 8
Brick making, stone quarrying, etc	59,300	479	66,355	497 00 7	976 01 0
Brooms and brushes.....	7,513	246	8,773	1,645 18 1	891 21 0
Buttons.....	5,180	29	5,825	... . . . .	29 00 0
Carpeting.....	.....	.....	21,023	304 01 4	304 01 0
Chains.....	9,133	650	10,575	2,413 22 8	3,063 28 0
Cigars and tobacco.....	49,207	399	53,297	260 00 5	659 01 2
Clothing, (mens).....	158,249	520	160,813	771 00 4	1,291 00 8
Cooperage.....	24,477	511	25,973	310 01 2	821 03 1
Foundry and machinery.....	106,734	93	110,351	29 00	122 00 0
Furniture.....	46,103	595	48,729	451 00 2	1,046 02 1
Hardware.....	15,695	300	17,201	... . . . .	300 01 1

Harness	20, 585	482	21, 446	192	00 ¹ ₀	674
Hats	21, 352	326	01 ¹ ₀	22, 671	....	326
Hemp and jute	3, 653	392	10 ¹ ₀	4, 306	....	01 ¹ ₀
Hosiery and knitting	25, 224	525	02 ¹ ₀	28, 885	1, 442	392
Lime burning	4, 456	218	04 ¹ ₀	4, 570	....	09 ¹ ₀
Marble work	21, 135	278	01 ¹ ₀	21, 471	42	04 ¹ ₀
Printing .....	.....	.....	.....	58, 478	36	00 ¹ ₀
Railway cars	13, 898	180	01 ¹ ₀	14, 232	....	36
Saddlery hardware	2, 488	531	21 ¹ ₀	2, 815	340	00 ¹ ₀
Shirts	25, 064	103	00 ¹ ₀	25, 687	303	01 ¹ ₀
Stoves	36, 818	1, 014	02 ¹ ₀	36, 818	....	406
Tanning	29, 475	87	00 ¹ ₀	23, 812	60	01 ¹ ₀
Tools	12, 909	338	01 ¹ ₀	13, 679	....	01 ¹ ₀
Trunks and valises	4, 059	25	00 ¹ ₀	4, 534	....	1, 014
Wagons and carriages	60, 963	1, 176	01 ¹ ₀	62, 812	....	02 ¹ ₀
Whips	1, 008	130	12 ¹ ₀	1, 056	....	147
Wire work	3, 895	123	03 ¹ ₀	4, 459	10	00 ¹ ₀
Total	950, 837	14, 078	01 ¹ ₀	1,076,946	11, 296	01 ¹ ₀
					25, 374	02 ¹ ₀

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The value of the annual product of 1,076,946 citizens employed in these industries is \$1,576,526,682; and against this is found the competition in prisons of 25,374 men, women and children, most of whom are unwilling workers, and producing less in amount than 12,000 free citizens, or 1 12-100 per cent.

Labor not Specially Mentioned in the Census Report.

	Convicts in State pris- ons and penitenti- aries.	Inmates of city and county jails and peni- tentiarie s and refor- matories of all kinds.	Total number, the occu- pations of which are not mentioned in the census tables.
Breaking stone for roads .....	.....	85	85
Laundrying	210	170	380
Hollow ware	562	.....	562
Axles	282	.....	282
Rail and other roads, mining, etc ..	9,097	150	9,247
Public charities and corrections .....	.....	622	622
Sundry occupations	221	492	713
Employed in prison duties	4,320	6,585	10,905
Sick and decrepit	836	673	1,509
Idle	1,024	2,809	3,833
	16,552	11,586	28,138

I have been unable to ascertain the number of citizens employed in the manufacture of hollow ware and axles.

The percentage of employment of all the inmates of the prisons and reformatories in the United States is as follows:

Contract labor	31	per cent.
Public account labor	15	per cent.
Piece-price labor	4 4-10	per cent.
Lease labor.....	19	per cent.
Prison duties	20 5-10	per cent.
Idle and at school.....	7 3-10	per cent.
Sick and decrepit.....	2 8-10	per cent.
	<hr/> 100	per cent.

The average earnings as reported are :

On contract	47 3-10 cts. per day.
On public account.....	32 9-10 cts. per day.
On piece-price.....	23 6-10 cts. per day.

The returns under the last two are by no means complete, and under the piece-price system, the work is to a large extent performed by children who labor but a portion of the day.

Boots AND SHOES.

It is charged that convict labor in prisons has deprived thousands of shoemakers of work and brought their families to starvation. I assert that the introduction of the McKay machine has produced a greater effect on the business in one year than all prison labor could in a life time. The increase in the production of boots and shoes in the United States from 1870 to 1880 was \$16,067,233, clearly showing that the business was in a prosperous condition.

In this statement no account is taken of the work done in shops producing less than \$500 per annum.

The following gives the number of convicts and children employed in the prisons and reformatories in this industry in twenty-one States :

Maine.....	101
Vermont.....	63
Massachusetts.....	257
Connecticut.....	225
New York.....	1, 543
New Jersey.....	103
Pennsylvania.....	705
Maryland.....	195

<u>Virginia</u>	406
North Carolina.	40
South Carolina.....	200
Texas.....	10
Ohio.....	56
Indiana.....	215
Illinois.....	641
Wisconsin.....	360
Iowa.....	255
Minnesota.....	2
<u>Missouri</u>	545
Kansas.....	181
Nevada	60
	6,163

More than one-third of this number are short time men confined in the minor prisons and children in the reformatories.

Can it be credited that the labor of 6,163 adults and children employed in this industry, which only represents the labor of about 3,000 citizens, can seriously affect the welfare of 184,256 free workmen engaged in the same industry in twenty-one States, extending from Maine to Texas on the south and Nevada on the west, and producing annually goods to the value of \$197,711,323 ? The proposition is simply absurd.

A shoemaker in Burlington, N. J., testified before the Commission : "In all my business experience I have never found prison labor interfering with outside labor in the manufacture of shoes to any extent. It is too small a drop in the bucket. I have been making boots and shoes since 1833, and this is my experience of the trade."

The New Jersey Commission says : " Were shoe making striken entirely from the list of prison industries in the United States, it is very much to be doubted whether the most delicate machinery of trade would be able to gauge the effect upon the market."

" A few more shops, a few more sets of McKay's machines, or the immigration of a few years would fill the void so silently that not one person in 10,000 would know of its existence."

The following letter from Mr. W. H. Pitkin, Manager of the East New York Shoe Co., is entitled to the highest confidence:

ALBANY, Feb. 18, 1885.

JOHN S. PERRY, Esq.:

DEAR SIR:—In compliance with your request I gladly avail myself of the opportunity to offer a few brief statements of facts based on my knowledge and experience of some twenty years of this subject — “Prison Versus Free Labor” and its effects.

First. As has been plainly shown by your table of statistics, the whole number of prisoners employed upon boot and shoe work in this State, as compared with the number of free mechanics employed upon this branch within the State is so small, the product of the penal labor cannot have any appreciable effect or influence upon the sale of the product of free labor.

Second. As to the question of prices, at which prison made goods are sold in the general market, as compared with goods made exclusively by free labor. Our sharpest competition has always come from the product of free labor, having as its auxiliary the improved machinery introduced in our line of manufacture within the past twenty-five years. So marked has this been, that we have gradually been compelled to withdraw from our former staples of pegged and nailed goods and work up a substitute trade upon a higher grade of sewed work. We can purchase these cheaper or lower grades, made by free labor in New England and other sections, for less money than it would cost us to produce them with our prison labor.

We have found — as I presume all employing prison labor must have found — that we cannot utilize the various improved shoe machines to the same extent and degree of advantage obtained by manufacturers employing free labor exclusively; cause or reason — requirement of skill in the operation of these machines obtained only by long practice and close, interested application on part of operator. With crude prison labor, the work necessary to be done while new men are being learned upon such machines is frequently spoiled or rendered hard of sale, even at heavy loss.

The full capacity of such machines in a prison shop is seldom more than half reached or about fifty per cent of what is obtained in a factory employing free skilled labor. Our experience is,

that with the same number of prison hands not over sixty per cent of the amount of work can be done as by the same number of free mechanics with the aid of machinery in both cases.

In the employment of free labor it is customary to make each workman responsible for all damaged work caused *by him or for* which he is responsible; in many cases the shoe or boot passes to completion with its defect, after which the workman accepts a deduction in money value, of the damage done, or the defective article itself at its cost.

With the employment of prison labor this damage will average, certainly, seventy-five per cent greater than when free, interested labor is used, and the loss must be borne entirely by the manufacturer.

To illustrate the effect of an attempt to produce with prison labor at a low cost (forty-five cents per day), a cheaper line of shoes than could be made with free labor. When we withdrew our works from the Rhode Island State prison and Providence reform school, to come to Albany, at the solicitation of General Amos Pilsbury, in 1866, we left in the Rhode Island State prison a well-organized force of about 125 prison workmen, who had been thoroughly drilled in our system of doing everything thoroughly and as well as it could be done. A Mr. —, from Haverhill, Mass., who had been manufacturing with free labor, in New England, a line of low-priced goods and whose trade upon said line was pretty thoroughly established and successful, obtained a contract for the prison labor left by us. He expected, and, with his best efforts and experience, endeavored to produce with this penal labor his former line of goods at a less cost and so as to enable him to make quick sales at a price below his competitors. Result, in less than two years, complete failure and long before the expiration of his contract, the winding up of his prison business. I venture to predict a like result to any who may secure a contract for prison labor with the sole view of producing therewith, an article cheaper than it can be produced with free labor and machinery.

In refutation of the statement put forth by some who have appeared before the Assembly committee having the investigation of this question under consideration, I cite a single fact: From 1875 to 1878 we were selling a line of our goods, partially made

by prison labor at the Albany County Penitentiary, to Messrs. Dickerman, Peck & Lyon, jobbers, in this city, who had built up a satisfactory trade upon them; Messrs. Dickerman, Peck & Lyon going out of business, we desired to place this line in the hands of some responsible Albany dealer and, with this in view, solicited Mr. Geo. A. Woolverton to examine the same, assuring him we would carefully re-figure their cost and make a special effort to meet his views and make the line profitable and desirable for him to handle. This was done and Mr. Woolverton, together with his partner, Mr. Jones, came to our factory, examined the goods carefully, took small trial lots upon several occasions, and then told us they liked the goods, as did their trade, and that they would be glad to handle them, but our prices would not permit as they could purchase in the eastern market goods, similar in all respects, at considerable less cost.

Prior to the civil war it was customary with most boot and shoe manufacturers to experience long intervals of dullness between the active seasons of trade, boot and shoe workmen throughout New England frequently engaging themselves throughout the summer at some agricultural or other pursuits.

Since the war, there has been a gradual return to the former inactivity, or lulls between the active seasons, caused, no doubt, by the increased working force and facilities offered the boot and shoe manufacturers; the wonderful growth of improved machinery adding materially to bring about this result.

Within the past twenty years the introduction of boot and shoe machinery, and the consequent reorganization of this interest into large factories has indeed revolutionized the producing power of all manufacturers in this business.

To illustrate the effect of the introduction of machinery alone, I herewith hand you a tabulated schedule, showing the comparison between the amount of work formerly done by hand, or by the simple hand tools of the past, and that capable of being done at the present time by use of the power machines found now in most all the boot and shoe factories. The McKay sole sewing machines, introduced generally in 1860, had wonderful effect; and within the last five years the general introduction of the Goodyear & McKay set of two machines, for producing what is

known as "turned shoes" (single, elastic soles, sewed to the uppers upon the wrong side and afterward turned inside out), and what is known as "sewed welt shoes," *practically the same in all respects* as the hand-sewed, welt shoes, which constituted the fine custom work of the past, is likely to create almost as much of a revolution in the art. *See schedule.*

Our present system of employing penal labor to do a small portion only (about one-third) of the labor value of our line of manufacture, making use of free, skilled labor in the city and county where our prison contract is located, I believe to be particularly advantageous to the community, and especially to the labor community of this particular section, as our pay-roll shows that we distribute among them for services alone about \$200,000 per annum, besides making this a market for which we draw largely for supplies. Our goods always bring, and per force have to bring, full prices—in *no degree less* on account of the labor we employ under contract. If this was not the fact, much of our difficulty in having to carry our product during depressions of trade, such as we have been having of late, would be lessened. So long as crime exists we must have prisons, or sources of restraint, for criminals. This class can be kept in abeyance, proper discipline and health, only by employment upon some useful work.

I know of no means to such ends better than the contract system, where the work is supervised and controlled by the interested capitalist, the management of the prisoners entirely under the control, and subject to the approval of the State or County agents appointed to look after and promote the best interests of its prisons.

Yours respectfully,

W. H. PITKIN,

EAST NEW YORK SHOE MANUFACTURING COMPANY.

Mr. Charles E. Bigelow of New York, President of the Bay State Shoe Co., fully indorses the foregoing and the following statement, so far as he has knowledge:

Schedule, showing the comparison of the amount of work, formerly produced by hand, or manual labor, assisted only by simple hand tools, and the same, produced by improved power machines, generally in use at the present time, in the boot and shoe factories of this country.

This calculation is based upon a line of womens' misses' and children's shoes of medium grade; per day of 10 hours.

	By the follow-ing Power Machines.	By Hand Process of old. Same Work.
Sole Cutting Machines.....	1,500 Prs.	400 Prs.
Counter Skiving Machines.....	1,500 "	300 "
Sole Moulding Machines.....	1,200 "	300 "
Pegging Machines.....	720 "	100 "
Standard Cable Wire Nailing Ma-chines	480 "	100 "
Standard Cable Screw Wire fasten-ing Machines.....	270 "	100 "
McKay Sole Sewing Machines....	600 "	{ 40 " turned work. 20 " welt work.
Goodyear McKay Inseaming and Turned Sewing Machines.....	400 "	40 "
Goodyear McKay (set of 2 Ma-chines), Welt Sewing Machine..	200 "	20 "
Lasting Machines (chiefly on coarse work)	180 "	40 "
Sole Tacking or Laying Machines.	600 "	200 "
Heeling Machines.....	600 "	120 "
Bottom Leveling Machines.....	600 "	180 "
Edge Trimming Machines.....	600 "	120 "
Heel Trimming Machines.....	600 "	100 "
Edge Setting or Burnishing Ma-chines	300 "	240 "
Heel Burnishing Machines.....	300 "	75 "
Heel Breastning Machines	720 "	180 "
Buffing or Sand Paper Machines..	720 "	250 "
Heel Seat Wheeling Machines....	720 "	240 "
	12,810	3,165

BUTTONS.

Mr. Rowbottens testified before a committee of the New Jersey Legislature, "that he had not seen any prison-made buttons, but had felt the effect. That it was impossible for him to continue in the business if he is handicapped with labor at fifty cents per day."

Gentlemen, the number of citizens employed in this industry is 5,825, producing goods to the value of \$4,440,542. The number of convicts, 29 or 5-10 of one per cent in number. Notwithstanding this competition that represents the labor of a dozen or fifteen citizen workmen, the increase in the value of buttons produced in this country in ten years was \$2,661,647.

HARNESS AND SADDLERY.

A respectable citizen lately stated, "that before prisoners engaged in the manufacture, it was a leading industry, but at present it was almost ruined."

The number of citizens employed in it is 21,446, producing annually goods to the value of \$38,081,643, showing an increase in ten years of \$5,371,662. The number of convicts, 674 or 3 1-10 per cent. The prisons in which this industry is conducted, situated in ten States, are scattered from Maine to Oregon, viz:

	Convicts.
Maine.....	36
New York	140
Massachusetts.....	150
Texas	10
Ohio.....	29
Illinois	93
Missouri.....	150
Kansas	13
Nebraska	23
Oregon	30
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	674
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It is not possible that 21,446 citizens employed in this industry can be materially injured by the compulsory labor of 674 convicts producing less than 350 free men.

HATS.

Probably from no industry has the pretence of injury by convict labor been more persistent than from this, and for the simple reason that the Hatter's Union is one of the strongest. The whole opposition has mainly come from the leaders of trades unions; the rank and file care little about it, as they know it is too insignificant a quantity to have any material influence on their trade.

The number of citizens employed in this industry is 22,671, giving an annual product of \$29,819,676. Increase in ten years, \$4,971,509. The number of convicts 326, or 1 4-10 per cent.

SHIRTS.

A shirt cutter testified before a committee of the New Jersey Legislature as follows:

"It was impossible to make the same grade of goods in competition with prison labor. When competition was attempted, it was at the loss to labor, wages being reduced, as goods were the same to all buyers."

The number of citizens employed in this industry is reported as 25,687, giving an annual product of \$20,130,031. The number of prisoners and children 406, or 1 6-10 per cent.

And in this no account is taken of the vast numbers employed in private houses, and in shops producing less than \$500 per annum.

STOVES.

A respectable citizen writes: "Let the superintendent of prisons ask the 10,000 stove moulders in this State that have lost six months the past year, if they can complain of prison competition?"

My reply to this is that there are but 3,390 stove moulders employed in the State of New York, and none of them have been idle six months, nor half that time, except those who have refused to work upon any terms except those prescribed by their union. Be this as it may, the 392 convict stove moulders employed in the prisons in this State, representing the production of 184 citizen moulders, cannot have materially affected the work of 3,400 of the latter.

The product of these 392 convicts is disposed of as follows:

In New England.....	5 per cent.
In New York	24 per cent.
In the Middle States.....	9 per cent.
In the Southern States.....	12 per cent.
In the Western States	49 per cent.
In Foreign Countries.....	1 per cent.
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	100 per cent.

It is estimated that the number of men employed in the stove foundries in the United States is 36,818, giving an annual product of \$44,181,600 ; that the number of convicts so employed is 1,014, or 2 7-10 per cent, representing less than 500 freeman.

The increase in the production of stoves in this country from 1875 to 1885 was 22 per cent beyond the percentage of increase of population, notwithstanding the employment of 1,000 convicts.

It has thus been shown that the percentage of the convicts confined in the State prisons and State penitentiaries of the United States, who are nominally employed in mechanical labor, to the citizens employed in the same industries is 1 5-10 per cent.

As testimony and experience prove beyond controversy that the daily production of convicts in mechanical labor is not to exceed one-half the amount produced by citizens in the same industries, this percentage must be reduced to 8-10 of one per cent.

It has also been shown that the percentage of the inmates of all the prisons, penitentiaries, jails, work-houses, houses of refuge and correction, reform schools, etc., in the United States, embracing men, women and children employed nominally under mechanical industries, to all the citizens employed in the same industries is 2 4-10 per cent.

As a large number of the adults confined in the minor prisons are tramps, drunkards, and petty thieves, sentenced for short terms, and as most of the children spend a portion of the day in school, it cannot in reason be assumed that the total daily production exceeds one-quarter of that by citizens, or 6-10 of one per cent. A considerable deduction must be made from even these

fractional figures, as in taking the census "the enumeration was by the terms of the schedule limited to establishments producing annually to the value of \$500."

Now if all the tens of thousands of citizens employed in this broad country in the industries named, in shops producing annually less than \$500. in value could be taken into account, the percentage of prison and reformatory labor to that of citizens would be reduced to a figure scarcely appreciable.

Low Cost for Prison Labor.

The apparent low cost for this labor leads to the assumption that the cost of manufactured goods is proportionately less than those made by citizens, and therefore can be and are sold correspondingly low, to the great injury of manufacturers who employ citizen workmen.

This assumption is not supported by evidence, nor, in fact, by the truth, as all who have had experience have discovered, and many of them to their sorrow.

I challenge any one to show that the stoves, the axles and the boots and shoes made in the prisons of our State have been sold at prices below those generally ruling in the market. On the contrary, I assert that the thing is reversed — those goods made by citizens are constantly offered and sold at prices that prison contractors cannot meet without a loss. *This statement is deliberately made, and is at any time subject to proof.*

A late editorial in a reputable journal says:

"If, however, there was a requirement in the law which prohibited putting prison-made goods on the market at less prices than are asked for the make of others; or if the sale of prison-made goods were prohibited from being offered for sale in the markets of this State, thus removing the competition, manufacturers and mechanics would be protected."

No law is required to regulate the prices of these goods. The law of self-preservation prevents their being sold as low as citizen-made goods are offered daily; neither is any law required to restrict the sale in the State of New York, as it is now less than twenty-five per cent of the amount produced. Sixty-two per cent of the stoves are sold south of Maryland, and west of the Alleghenies, or exported.

Gen. John F. Rathbone said "he had been in the stove business for forty years. He affirmed that the wages of moulders had not been reduced one shilling on account of the Sing Sing contracts. He also affirmed that the State account system would be ruinous to the State, which could not in the nature of things purchase and maintain the necessary plant. Furthermore, the auction sale system would not work. Most of the goods manufactured, especially stoves, are sold outside of the State by agents. He thought every one would concede that if a convict could go from prison with a good trade he was afterward a better man in every way. There was nothing desirable in a prison contract. He would not take such a contract if he could get it at a less price than Mr. Perry pays. He preferred to employ honest workmen. He hoped the Legislature would refuse to adopt a State account system. We have competition enough in the stove business, but it does not come from the contractor. If prison stoves are placed on the market by auction, in the manner proposed by Mr. Danaher, all dealers would be obliged to adopt the scale of prices thus established and it would be ruinous."

In estimating the effect of prison labor, several important elements must be considered.

1st. That 25 per cent. of the convicts in our State prisons had mechanical trades before arrest, and that 95 9-10 per cent. were at least nominally employed in some honest work, and by their arrest were withdrawn from competing in the labor market.

2d. That it may be justly assumed these criminals spent weeks and months in jail in perfect idleness before conviction, and during all that time they neither competed as citizens nor as convicts.

3rd. That of the 53,512 now in confinement, 28,138 are engaged in prison duties, farming, working on roads, in mines, or idle, showing that more than one-half of the prison and reformatory population is wholly and completely withdrawn from competing in the mechanical and other industries.

4th. It is not unlikely has escaped observation, that quite a large number of skilled citizen mechanics, and generally those of the highest skill, are employed in prison industries as foremen, instructors, and co-operators who would be thrown upon the market if mechanical labor in prisons should be abolished.

The number thus employed at the present time is 3,381.

I therefore take this position, and challenge the world to controvert it, that by reason of the withdrawal of the convict population from industrial pursuits as citizens, their competition with honest labor has been largely reduced; and further, that were the 53,512 inmates of our penal and reformatory institutions to be set at liberty, and their labor as citizens thrown upon the market, and also that of the 3,381 first-class citizen mechanics now employed in our prisons, to say nothing of the thousands of prison officials, the competition to the labor interest would be increased more than four fold beyond what is now experienced from the labor of 25,374 adult prisoners in penal institutions, and children in reformatories.

INDUSTRIES ABOVE FIVE PER CENT. OF CONVICT LABOR EMPLOYED.

Brooms and brushes.....	21 5-10 per cent.
Chairs.....	28 9-10 per cent.
Hemp and jute.....	9 1-10 per cent.
Hosiery and knitting.....	6 8-10 per cent.
Saddlery hardware.....	30 9-10 per cent.
Whips.....	12 3-10 per cent.

BROOMS AND BRUSHES.

The number employed —

Under the contract system.....	425
Under the public account system.....	910
Under the piece price system.....	524
Under the lease system.....	32
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	1,891

The following shows the geographical divisions in ten States, and the character of the institutions:

In Maine county jails.....	22
In Massachusetts House of Correction	240.
In New York Reformatory.....	68
In New York Penitentiary	108
In New York House of Refuge.....	140
In New Jersey City Home.....	45

In Pennsylvania State Penitentiary.....	55
In Pennsylvania County Jails	5
In Pennsylvania Work House.....	67
In Pennsylvania House of Refuge.....	244
In Pennsylvania State Reform School.....	45
In West Virginia Penitentiary.....	38
In Michigan Penitentiary.....	44
In Ohio House of Refuge.....	379
In Ohio Reform School.....	200
In Missouri State Penitentiary.....	31
In Missouri Work House.....	150
In Nebraska State Penitentiary.....	10
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	1,891
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The 8,773 citizens employed in these industries are scattered over thirty-six States, and it cannot be credited that they feel the competition of these mostly short-time men, women and children.

CHAIRS.

The number employed —

Under the contract system.....	560
Under the public account system.....	1,046
Under the piece price system.....	678
Under the lease system.....	779
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	3,063
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The following shows the geographical divisions in eighteen States and the character of the institutions:

In Maine State Reform School.....	27
In New Hampshire Industrial School.....	60
In Vermont Reform School.....	50
In Massachusetts County Jails.....	259
In Massachusetts Industrial School.....	24
In Massachusetts Reform School.....	55
In Massachusetts State Work House.....	68
In Rhode Island State Prison.....	65
In Rhode Island Work House.....	33

In Rhode Island Reform School.....	120
In Connecticut Reform School.....	200
In Connecticut County Jails.....	347
In New York County Penitentiary.....	30
In New York House of Refuge.....	100
In Pennsylvania State Penitentiary.....	259
In Pennsylvania House of Refuge.....	47
In Maryland House of Refuge.....	59
In Maryland House of Reformation.....	80
In Kentucky State Penitentiary.....	60
In Kentucky House of Refuge.....	120
In Michigan State Reform School.....	300
In Ohio State Penitentiary.....	32
In Indiana Reform Schools.....	95
In Illinois Reform School.....	40
In Illinois House of Correction.....	75
In Wisconsin House of Correction.....	180
In Missouri House of Refuge.....	44
In California State Prisons.....	210
In Oregon State Penitentiary.....	24
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	3,063
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I have set this forth in detail to show the utter absurdity of the pretence that labor of this character can by any possibility injure the 10,575 citizens employed in this industry in twenty-nine States of this Union.

HEMP AND JUTE.

This industry is confined to 159 Convicts employed in the California State Prisons on public account, and 233 employed in the Kentucky penitentiary under lease.

The opponents of the contract system can have nothing to say under this head.

HOSIERY AND KNITTING.

The number employed —	
Under the contract system.....	985
Under the public account system.....	836
Under the piece price system.....	146
	1,967

viz.: in eight States:

In Mass. State Industrial School.....	20
In New York House of Refuge.....	618
In Penn. State Penitentiary.....	329
In Penn. County Penitentiary.....	200
In Penn. County Jails	42
In Penn. House of Refuge	72
In Penn. House of Correction.....	84
In South Carolina State Penitentiary.....	94
In Texas State Penitentiary.....	50
In Ohio House of Refuge.....	50
In Illinois State Peuitentiary.....	52
In Illinois House of Correction.....	221
In Wisconsin Industrial Schools.....	135
	1,967

No unprejudiced person can for a moment believe that this character of labor can materially injure the 28,885 citizens employed in this industry in 19 States.

SADDLERY AND HARDWARE

Is all done under the contract system, and is confined to four States:

New York State Prisons	98
New York County Penitentiary.....	340
Ohio State Penitentiary.....	213
Indiana State Penitentiary	20
Missouri State Penitentiary.....	200
	871

The 2,815 citizens engaged in this industry are reported from ten States. I am not aware that any one of them has complained of being injured by these prison contracts. As some of them have been in existence more than half a century, it is fair to assume that they have not materially interfered with citizen labor.

WHIPS

Are made under the contract system in three prisons viz.:	
New Jersey State Prison.....	39
West Virginia State Penitentiary.....	71
Missouri State Penitentiary	20
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	130
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They are also produced by 1,056 citizens residing in 13 States who I believe have made no complaint of any unhealthy competition from Prison Labor.

If by any possibility prison labor has an injurious effect upon citizens, it must be in some of these six industries. The systems under which they are conducted, and the aggregate number of men, women and children employed are as follows, viz. :

The Contract system.....	2,971
The Public Account System.....	2,951
The Piece Price System.....	1,348
The Lease System	1,044
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	8,314
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As the contract system is chargeable with less than 30 percent of this labor, its adversaries must look elsewhere for evidence of its alleged injustice to honest labor.

We have seen that the 138 prisons and reformatories have a population of — 53,512, of whom only 25,374 are nominally employed in mechanical labor; but a material reduction should be made from these figures, on account of the number engaged under every industry in promiscuous labor not mechanical. For example, under the stove contract in Sing Sing prison, out of the 853 employed, 212 are common laborers, 57 are employed in seven different mechanical industries such as wrought iron, tin, and

wood work, and but 584 can in any sense be classed as stove makers.

QUALITY OF CONVICT LABOR.

In judging of the effects of prison labor upon citizen mechanics and laborers, reference must be had as to its quality.

The 53,512 reported herein may be classed as follows, viz.:

Men sentenced for more than 1 year..	31,755	59	3-10 per-cent.
Women same	953	1	8-10 per-cent.
Men sentenced for less than 1 year,			
(mostly 30 to 90 days).....	7,740	14	5-10 per-cent.
Women same	1,980	3	7-10 per-cent.
Boys, a portion of the time			
(being in school).....	9,199	17	2-10 per-cent.
Girls same.....	1,885	3	5-10 per-cent.
	53,512	100	per-cent.

60 per-cent of these may justly be estimated as producing, when at work, one-half of the amount of work done by citizens. The remaining 40 per cent less than one-quarter.

It will be observed that the proportion of children to adults in the whole number confined in the institutions is 20 7-10 per-cent, while in the whole number of citizens employed in the same industries it is but 5 4-10 per-cent; thus telling heavily against the labor of prisons and reformatories.

STATE OF NEW YORK.

Table showing the mechanical industries pursued in prisons in the State of New York ; the number of citizens other than children employed in the same industries as shown by the census of 1880 ; the number of convicts employed in such industries respectively, and the percentage of such convicts to such citizens.

Also the number of citizens, including children so employed, and the number of inmates of county penitentiaries and other minor institutions employed in the same industries, and the percentage of such inmates to such citizens.

Also the total number of inmates of all prisons, county penitentiaries, reformatories, etc., so employed, and the percentages to the whole number of citizens.

TABLE.

Labor in the State of New York not Specially Mentioned in the Census Report.

	Convicts in State prisons and reformatory.	Inmates of county penitentiaries and minor prisons.	Total number the occupation of which is not mentioned in census tables.
Laundrying	130	.....	130
Manufacturing for public charities and corrections .....	.....	622	622
Axles	282	.....	282
Hollow ware	398	.....	398
Employed in prison duties.....	444	976	1,420
Sick and decrepit	35	199	234
Idle.....	.....	452	452
	1,289	2,249	3,538

HON. A. S. MEYRICK.

It is claimed in some quarters that the production of any manufactured goods by convicts is a trespass upon the rights of citizen workmen, and should be abolished.

Hon. A. S. Meyrick, a member of the New Jersey Prison Commission, and a man of high standing, thus presents the unreasonableness of such a claim:

"A man may come among us from abroad, erect his shop with foreign capital, fill it with foreign machinery, with men and women of foreign birth, and compete with us in our chosen industries and welcome; but let him, or any of his employes, commit a crime, rendering his imprisonment at hard labor necessary for the good of society, and he must cease to work even at the very trade he was pursuing when free, because he, as a convict, competes with free labor.

"Every citizen of the State may compete with every other to the full extent of his ability while free, but the moment he becomes a convict his competition must cease. Every one has rights, which every one else is bound to respect, but the State, the sum of the individuals that compose it, and the protector of all their rights, must be guarded and prohibited from one of the rights which each citizen possesses. lest it injure the individual by its competition."

TABLE showing the Systems of Labor by States.

	Prisons.	Contract.	Public ac- ount.	Piece. Rate.	Lease.	Prison duties.	Idle and at school.	Strike.	Total.
Maine.....	6	101	226	27	22	143	31	20	469
New Hampshire.....	2	105	...	60	...	50	...	6	217
Vermont	3	854	1,059	288	5	1,347	688	262	227
Massachusetts.....	22	28	77	120	...	228	3	7	4,503
Rhode Island.....	3	205	285	62	418	414	138	50	463
Connecticut.....	11	5,311	25	172	...	1,420	452	234	1,572
New York.....	12	400	280	218	...	440	188	121	7,614
New Jersey.....	6	576	2,286	562	...	1,286	619	112	1,647
Pennsylvania.....	15	949	151	40	...	435	607	36	5,441
Maryland.....	6	539	...	...	268	168	...	8	2,218
Virginia.....	1	202	...	...	...	33	...	4	983
West Virginia.....	1	...	...	...	1,294	25	...	23	239
Tennessee.....	1	2	...	...	120	901	152	6	1,342
Kentucky.....	1	294	...	99	...	792	64	...	1,282
North Carolina.....	1	1	...	...	...	560	20	...	58
South Carolina.....	1	1	...	...	...	1,193	32	...	1,013
Georgia.....	1	1	...	...	...	620	24	...	22
Alabama.....	1	1	...	...	...	...	...	30	896
Florida.....	1	1	...	...	...	...	...	10	1,255
						208	...	...	654
						...	...	...	208

Table -- (Continued).

Prisoners.	Contract.	Public ac- count.	Piece. Price.	Leasee.	Prison duties.	Idle and at school.	Bicke.	Total.	35	
									Lease.	Prison duties.
Louisiana.....	1	....	....	711	20	....	....	731	....	....
Mississippi.....	1	....	....	752	19	....	....	771	....	....
Arkansas.....	1	....	....	554	13	....	....	577	....	....
Texas.....	2	126	....	1,741	400	....	....	2,310	....	....
Michigan.....	4	660	443	344	....	411	33	1,907	....	....
Ohio.....	4	1,037	379	250	....	531	96	6	2,299	....
Indiana.....	4	1,009	152	....	....	411	5	29	1,606	....
Illinois.....	4	1,759	403	....	....	565	128	85	2,940	....
Wisconsin.....	4	274	401	....	....	344	69	32	1,120	....
Iowa.....	2	305	154	....	....	119	20	4	602	....
Missouri.....	3	1,113	....	44	....	723	70	67	2,017	....
Minnesota.....	2	200	71	....	....	125	....	17	413	....
Kansas.....	1	375	170	....	....	150	....	5	700	....
Nebraska.....	1	....	....	199	....	38	....	....	237	....
Colorado.....	1	....	....	218	....	78	21	21	338	....
Nevada.....	1	....	....	71	....	44	....	....	115	....
Arizona.....	1	....	....	....	....	20	76	10	106	....
Montana.....	1	....	....	....	....	60	30	90	....	....
California.....	2	....	....	520	....	400	550	26	1,496	....

Table — (Continued).

New York.
**Manufacturing for Department
of Charities and Correction.**

Total	Occupation by Geographical Divisions.					Total				
	New England States.....	47	1,293	1,647	607	445	2,244	860	355	7,451
	Middle States.....	33	6,287	3,213	952	...	3,146	1,259	467	15,324
	Southern States.....	20	2,110	250	160	9,594	1,405	613	347	14,479
	Western States.....	38	6,888	2,982	638	199	4,110	1,101	340	16,258
138		16,578	8,092	2,357	10,238		10,905	3,833	1,509	53,512

Occupation by Geographical Divisions.

New England States.....	47	1, 293	1, 647	607	445	2, 244	860	355	7, 451
Middle States.....	33	6, 287	3, 213	952	...	3, 146	1, 259	467	15, 324
Southern States.....	20	2, 110	250	160	9, 594	1, 405	613	347	14, 479
Western States	38	6, 888	2, 982	638	199	4, 110	1, 101	340	16, 258
	138	16, 578	8, 092	2, 357	10, 238	10, 905	3, 833	1, 509	53, 512

If the views and statements that have thus been presented are entitled to weight, it is a matter of small consequence to citizen mechanics and laborers, whether the contract, or piece price system of labor shall be continued in our prisons, but it is of great consequence to them and to all tax payers, that the public account system shall be forever abolished. The contract system has been universally a financial success, while the public account system has been, with few exceptions, a disastrous failure.

As to the piece price system, it has worked well in the manufacture of articles of simple construction. I am not prepared to say that it would not in those of a most complicated nature, but I do affirm, that no system has yet been devised that possesses as many merits, and with as little injury to citizen manufacturers and workmen as that under which the labor in most of the prisons in the State of New York has been conducted.

Whatever the system, there can be no success unless the officers are both competent and faithful in administering the discipline of the prison.

The following letter is from the intelligent and experienced superintendent of the house of refuge on Randall's Island; referring to this subject, he says:

HOUSE OF REFUGE, RANDALL'S ISLAND, }
NEW YORK, Feb'y 21, 1885. }

JOHN S. PEREY, Esq.,
111 Washington Ave., Albany, N. Y.:

MY DEAR SIR—I will not attempt an elaborate letter on so short notice regarding the contract system. If, however, an experience of upwards of thirty-three years under it is worth anything, I am only too glad to give it. My standpoint is, in considering this question, the reformation of the convict or delinquent, and I have always regarded every other interest subordinate to this.

In speaking of the contract system, I mean a contract which leaves the convict or delinquent always in the hands, and under the sole supervision of the officers of the institution, and the power of the contractor and his employes limited to supplying tools, machinery and materials, and giving such technical instruction as is necessary for the inmate to be able to do the work properly.

Under such a contract I have never found any difficulty in secur-

ing the best results possible to the inmate and to the contractor, and I have no doubt that a proper and just administration of a prison or reformatory having the system above described will always produce satisfactory results; and, I will add, without a proper administration, no system will work well.

All the claims against the contract system under consideration are disproved and properly denied by facts that have never been successfully disputed, nor can they be, because they exist in tangible form, as shown in Superintendent Baker's able report of the prisons for 1884.

But if its restoration at this time is impossible — as I am assured by persons in position to know — then probably the next best proposition, so far as known, is the *piece-price* plan, which is distinguished from the per day plan only by the superior advantages in favor of the contractor ; with perhaps the slight drawback of not being able to change the style of his productions as readily as under the per day system. No rational person, it would seem, in the light of past experience, would attempt to carry on business on State account except, perhaps, in a limited way, or where the location of the institution is such as to make it impracticable to obtain a contractor. It is probably better to limit the number of persons to be employed on any one industry in the prison ; especially where the business competes with local interests. Should it occur that the contractor undersells in the market, the price of labor should be raised correspondingly, but it has never occurred, in my knowledge, that such has been the case where the production has been of marketable quality.

Considering the reformation of the prisoner the chief object of prison discipline, I am unable to find any force in the claim that the contract system of hiring the labor by the day, under the sole supervision of the officers, hinders or prevents that result; but I can see how great advantages may be gained by having a competent man or contractor to look out for the manufacturing and commercial interests, while the officers attend wholly to the disciplinary and moral interest of the convict, and to give him all proper protection under the contract.

I have written more than I intended, and with less care probably than I should had I not been pressed for time. You are at

liberty to use the whole or any part of this letter in any way you choose. I assure you I shall be pleased to have you call at any time you can find it convenient.

Yours very truly,

ISRAEL C. JONES,

Superintendent.

It is scarcely to be assumed that any man can be found who combines with his qualifications as keeper, the financial and mechanical skill necessary to the successful management of a diversity of industries. Such a prodigy would soon be appropriated by private enterprise. For each separate industry there is now the contractor as the head, and his corps of trained assistants under him.

Precisely such men, and occupying the same relations to the prisoners, would be required under the public account or piece price system. Mr. Brush of Sing Sing is an excellent warden, but he has had no experience in making stoves, nor boots and shoes, and therefore must employ practical men if the work is to be done by the State.

The warden is an autocrat within the walls. Every citizen, whether employed by himself or by a contractor, is subject to his authority. At a word he can forbid his entrance, and from his dictum there is no appeal. His physician is the sole judge of the mental and physical ability of the men to labor, and the contractor never, so far as I am informed, seeks to influence his decision.

The new convict on his entrance is received by the proper officer, and is carefully examined by the physician, and if there are several industries, is placed as nearly as possible at the one for which he appears to be best fitted. The contractor, on receiving him, uses a similar discrimination in selecting an appropriate subdivision for his work, and it is for his interest to do so. The convict is at all times under the sole charge of an officer, whether in the shop or out of it, and neither the contractor nor his instructors have any control over him, nor any relations with him, further than to see that his task is performed and in a proper manner, and if not, to report him to the officer in charge. There the duty of the instructor ceases.

Neither the contractor nor the instructor has any influence in the discipline or punishment of the refractory, or even knowledge of what is done. The task is fixed by the warden or his deputy ; the convict knows its extent and could not be compelled to increase it. The hours of labor are regulated by the authorities, and no contractor has the power to lengthen them.

Convicts work in the shops under both systems alike, and in precisely the same way as citizens ; a visitor would observe no difference between them, except in the peculiar garb of the former. In one particular they are unlike citizens in that they rest when their small tasks are completed, though the day be not half spent. Thus it would appear that under the same circumstances, and with the same officers there can be no difference in the reformatory influences of the two systems. Even in reformatories for the young, where a portion of the day is spent in study, under such restrictions as before mentioned, the contract system can be no impediment. If shorter hours for labor are demanded in order to devote some portions of the day to study, a corresponding reduction in the price for labor would follow.

The stove contract at Sing Sing has employed during the last seven years an average of about 650 convicts in mechanical labor, and during that time not less than 2,500 discharged men have been taught trades while in confinement, by which they can honorably support themselves and their families. *Not three per cent of these men have been re-convicted and returned to that prison.*

In the Auburn prison an average of 140 convicts have been employed during the past seven years in moulding hollow-ware, and during that time 350 have been discharged well equipped with a good trade. The contractor reports that he can remember but one of these men who have been returned.

Can stronger evidence be adduced of the reformatory influence of regular and systematic labor, and that the contract system is no obstacle to it ?

The percentage of reconviction in Europe is reported as follows : In Baden, 20 per cent ; in Italy, 23 ; in the Netherlands, 27 ; in Bavaria, 30 ; in Sweden, 32 ; in Wurtemburg, 36 ; in France, 42 ; in Austria, 59 ; in Prussia, 65 ; in Belgium, 78. I challenge the world to produce an example of as small a percent-

age of recommitments as has existed in the State of New York during the past eight years under the contract system.

Under the two systems, conducted with the same regularity and method, the reformatory influences must be the same—there can be no difference; but experience has shown that under the public account system the work is likely to be very irregular, the inability to sell the products, the delay in the appropriation of money, the frequent changes of officers, and the general mismanagement of manufacturing business when carried on by the government, have generally ended in disaster. Ought not the Legislature to take warning from the history of the past, and to regard the settled opinions on this subject placed on record from year to year by their servants? A few moments spent in recurring to this history I feel sure will not be time wasted.

PAST HISTORY.

The deficiency from 1869 to 1876, the eight years previous to the more complete introduction of the present system, was.....	\$4,700,854
For the eight years since 1876	1,046,720
Reduction	<u><u>\$3,654,134</u></u>

The above includes every item of cost for conducting the prisons, including special appropriations, except for the building of the Dannemora railroad.

If such figures are not convincing, listen to the words of wisdom on this subject from the line of honorable men who have filled the office of Comptroller in this State:

Mr. Fillmore, in 1849, said: "It is certainly a matter worthy the attention of the Legislature whether something cannot be done to render the labor of Clinton prison more productive; and if that is impracticable, whether it would not be better to abandon it, with the loss already incurred, rather than to go on adding to the expenditure."

Mr. Allen said, in 1869: "The exhibit for the prisons for the past year is not satisfactory. * * * Nothing is charged to the prisons for the labor of the convicts, and yet the receipts for

the earnings have not in any one year been equal to the expenditures for its support."

Again, in 1870 : "That there is a radical defect in the system cannot be doubted. * * * If the figures be taken, as giving a fair exhibit of the condition of the prisons, it would seem that they are farther from being self-supporting year by year, and are fast retrograding."

Mr. Nicholls said in 1871 : "The Comptroller, as well from his brief opportunity to observe personally the workings of our system of prison management, as from previous examination and reflection, cannot doubt that it is very defective, and unnecessarily expensive. * * * He warmly commends the subject to the attention of the Legislature, as he did in his last annual report, as worthy of the most earnest, thorough and intelligent investigation, with reference to its revision."

Mr. Hopkins in his report of 1873 says : "It has become a matter of public notoriety, and is now generally conceded, that the system under which our prisons are conducted is a bad one."

Again in 1874 : "No great change or improvement in the conduct, management or expenses of the prisons can be expected under the present management."

Again, in 1875 : "It has long been a matter of public notoriety that the system under which our State prisons have been conducted is a bad and ruinous one to the State. * * * That the prisons are overcrowded with convicts, and there are said to be at least one thousand now out of employment and spending their time in idleness."

Mr. Robinson said in 1876 : "It is quite evident that the expense of maintaining the prisons is largely due to the faults of the system."

It may be wise for the Legislature to consider the experience of other States in regard to Prison labor. The following letter from Hon. A. S. Meyrick gives a vivid description of the condition of things in the New Jersey State Prison at Trenton.

JOHN S. PERRY, Esq.

DEAR SIR — In reply to your request for information about the New Jersey State Prison, I have to say that the prisoners, up to 1865, were worked for public account under State officers,

supervised by a Board of Inspectors appointed by the Legislature. The results became more and more unsatisfactory yearly as the number of convicts and the consequent expenses increased. The discipline of the prison was maintained with difficulty. Complaints of bad, and even cruel treatment of the prisoners by the keepers were frequent, and their earnings returned to the State so small a proportion of the cost of their support that a change of policy became imperative. The Inspectors were in despair at the continual increase of the demand upon the State for the maintenance of criminals, nearly every one of whom should have been capable of earning his own keeping. The tax payers grew restive under the steady growth of the demand upon their pockets for the same purposes. The system was then amended so as to allow the labor of the prisoners to be contracted. No sooner had the new process been put in operation than a marked change for the better was perceptible in the conduct of the prisoners, while the deficiencies in the balance sheet of the prison diminished yearly. The financial disasters of 1873, and the years immediately subsequent alone prevented the prison from becoming self-supporting. The Bay State Shoe and Leather Company, which had contracted for the labor of the entire available force of the prison, after paying many thousand dollars for the labor of convicts it could not profitably employ, and whom it had kept waiting in idleness for better times, threw up its contract and turned over five hundred able-bodied men back upon the State. The effects of the stoppage of the prison shops upon the free workmen outside was imperceptible. No one of the latter received a cent's advance in the price of his labor, or got an additional day's employment. The market was glutted with manufactured goods and the surplus was so great that it was worked off by imperceptible degrees.

To re-employ the prisoners under such circumstances was merely impossible. Scarcely any one wanted their labor at all, and the very few who would touch it, would pay very little for it, and while the number of prisoners steadily increased many times more rapidly than the population of the State, no one would pay for the labor of by far the greater part of them. This continued until 1878, when about 300 had been got at work. Then a proposition was made for the employment of

200 more at hatting. The jealousy of the trades unions was aroused at once. The Legislature was in session, and a bill was rushed through it forbidding the manufacture of hats in the prison, and the 200 men remained idle at the expense of the State.

The agitation of the subject of convict competition with free labor increased. A commission appointed to investigate the matter reported that such competition was more imaginary than real, but the disturbance did not cease. Legislature after Legislature was beset by the opponents of mechanical labor in the prison, and in 1881 a law was passed prohibiting the employment of more than 100 men in any one branch of industry. Nothing but the sharpest practice on the part of the prison officers prevented this act from stopping nearly the whole of the prison industries. The convicts, who might have all been employed at self-sustaining rates but for the passage of this law, either remained idle or worked for very low pay. But the agitation went on still, and in 1884 the contracting of prison labor was forbidden by law under heavy penalties.

The results have staggered the labor reformers themselves. The entire industry of the prison is demoralized, and its officers, in their last report to the Legislature, confess that the subject is beyond their treatment. The warden of the prison, who has hitherto thrown his influence on the side of the agitators against convict competition, is compelled to beg in pitiful terms for legislative interference to prevent him from being left with nearly 1,000 able-bodied criminals upon his hands in absolute idleness. Caring little or nothing for the burden he and his brethren have imposed upon the tax-payers for the support of the convicts, he is horror struck at the idea that he may have them all left to him without the labor which is the chief support of his officers in maintaining the order of the prison, and the health of its inmates, and he implores the Legislature to provide some means by which they may be put at work.

But the law, as it now stands, shuts us up between the exploded public account system which brought us to grief in 1865 and the preceding years, and which we then abandoned as wasteful, extravagant and wholly inefficient, and the so-called "piece-price" system, which no one has yet succeeded in formulating, much

less in putting into successful operation except in minor details of prison industry. No one knows any thing about it. No one has tried it to any reasonable extent, and its very advocates, who had held it up as the unfailing remedy for all the ills of contract working, now begin to find that if it ever works at all, it is the contract system under a mask of the thinnest description, and that so far from removing the labor of the prisoner from competition with that of the citizen mechanic, its success is based upon that competition entirely. Like the authorities of the Italian principalities who invoked the Austrian to get them rid of the Carbonari, and then were ready to call in the very devil to get clear of the Austrian, the very device, on which the labor reformers have set their hopes, returns only to torment them.

What the New Jersey Legislature will do in such a category no one can foresee. They have to provide *some* way of working the convicts, or leave them idle, rebellious and running to madness (according to the warden.) The contract system once restored would solve the whole difficulty. Nothing else seems capable of doing it.

Very truly yours

A. S. MEYRICK.

MR. SUPERINTENDENT BAKER.

"The abolition of the contract system," Superintendent Baker lately said to a group of Senators, "was the worst thing for laboring men that was perhaps ever done avowedly in their interest, because a careful analysis of the competitive features of the different systems proves beyond dispute that the contract system was the least competitive, and the State account system, which is now the only lawful method of employment in the prisons, the most competitive, since the contractor must of necessity get back the expense of paying for his labor, while the State, selling in open market, parts with its goods for whatever it can get, without regard to the cost of production. The history of the past, under the State account plan, shows that even the cost of the raw material has not been recovered by the State.

"The prisons will require about \$700,000 for the purpose of buying plants and machinery to continue the contracts that have

been abandoned or that have expired by limitation. We have in two instances bought the plants of contractors and gone on with the same industry. The clothing industry at Clinton employs the full force of the prison, about 450 men, in the manufacture of 2,000 suits a month, which fetch an average of \$3.50 a suit. They are made of cotton and look very pretty until, and unless, they get wet. After that their beauty is impaired, but they remain very durable and are, in all probability, the cheapest clothes used by civilized persons. They sell in the south and west and are very popular among the cowboys.

"The material costs \$25,000 a month. We have got money enough to last through this month, but must lay the men off on the first of March for lack of funds. At Auburn prison the abandonment of the contract for boot and shoe making by Dun, Barber & Co. of Auburn left 125 idle men. These have since been employed in the same industry on account of the State. We are making 1,000 cases of boots a month, and sell them for \$25 a case. It takes about \$20,000 worth of leather a month to carry on that industry. It will be seen that these two industries, which are all that engage the men on State account, require \$45,000 a month for material, and that, as this number of men is about one-fifth of the prison population that has been engaged on contracts during the past year, the amount required to employ the whole prison force on State account when the remaining contracts expire will be about \$2,500,000 a year.

"Should the Legislature adopt the piece-price plan, the State will not be required to put in its own capital, and in that respect will gain an advantage over its situation under the State account system."

Mr. Baker explained that the piece-price plan is only a variation in the contract labor system. Instead of the contractor being required to pay the State sixty cents a day for the labor of each prisoner as is now the case, the contractor under the piece-price plan pays so much a piece for the manufactured article. There is a distinction without much difference between the two systems. The piece-price plan is less advantageous to the State, because the contractors have the right to demand that every piece shall be perfect, and the return of imperfect pieces will entail a loss to the State.

"Under the present State account system," said Mr. Baker, "it is necessary for the State to appropriate the whole expense of the material for a year, because the money from the sale of the manufactured article does not return to the prison, but is paid into the State treasury. Under the piece-price plan only \$450,000 is required, as under the contract system, simply to cover the cost of the maintenance of the prisons, and this amount will be reduced on the return of the receipts for last year, when the prisons, collectively, cleared \$10,000 profit."

RELATIVE AMOUNT OF CONVICT LABOR.

The opponents of the Contract System assume that convicts produce as much work per day as citizens, and that contractors are getting very rich from prison labor. Col. Wright of Boston, Chief of the Bureau of Labor Statistics, and lately appointed Chief of the National Bureau, reports the annual product of each citizen employed in the manufacture of boots and shoes in Massachusetts as \$1,858 00
 Same of convicts in Concord prison 1,142 00

The Connecticut Commission reports that a preponderance of testimony proves that prisoners only accomplish one-third to two-thirds as much as freemen.

At Elmira, under the Public Account System, with unusual facilities, sixty cents per day was the reported average, but it could not have been anything, as the State was subsequently called upon to pay a large deficiency.

The German Congress in 1876 reported that the work of one prisoner was equal to half the work of a free man.

The New Jersey Commission reported, that taking the commercial value of the labor of convicts, as determined by the contracts then in force in twenty-one States, the range was found to be between thirty-five cents and fifty-five cents per day.

Perry & Co. have shown that their 392 convict moulders produce but 47 per cent as much as citizens. This represents the production of 184 citizen moulders.

The fact cannot be denied that more prison contractors fail in proportion to the whole number than those who employ citizens. The hat contractor at Dannemora failed; his successor the cloth-

ing contractor failed with labor at 35 cts. per day. Three contractors have failed in the prison at Columbus, Ohio, during the past year. The boot and shoe contractors at Auburn lately relinquished their contract as being unprofitable.

The Connecticut commissioners say : "The State of Connecticut has received an income from the prison every year but six since its erection. During that time, out of fifteen contractors whose names appear in this report, twelve have either failed or retired from the business, because it did not pay. In Maine the contractor failed while paying the State only 46 1-2 cts. per day, and space would not suffice to tell of the contractors who have failed in New York and other States. Mr. Peter Hayden, who has been a contractor since 1832, says "more contractors have failed during my time than in the same time outside," and this statement is fully corroborated by many other witnesses.

If employing convict labor has been so unremunerative, it may be asked why is there so much urgency that contracts shall be continued ? This is a pertinent inquiry that is often made, and I am glad to answer it. The firm of Perry & Co. took the contract for this kind of labor in Sing Sing Prison in 1877 much against their will, and in desperation to try to save a portion of their business, which was rapidly leaving them. They clearly foresaw it was assuming a frighful risk, but there appeared at the time no other way open.

Owing to the exactions of the Moulders' Union during the years 1875 and 1876 their business, and that of most of the stove manufacturers in this vicinity was unprofitable, and to such an extent in our case, that we decided never to reopen our foundry except upon such terms as permitted us to manage it in accordance with our own judgment and experience, instead of rules which we had no voice in forming.

On the 16th of December, 1876, we issued a circular to our employes, stating the situation plainly and fairly, closing as follows : "If it shall be the pleasure of any one of you to continue work with us upon the general terms thus stated, the particulars can be learned of our foreman at our foundry office No. 2, in Grand street."

"If our terms are not accepted by the 26th, we shall assume

they are not satisfactory, and proceed to fill the places with other men."

Under the order of the Moulders' Union, not a man called to inquire the terms, nor even was seen in the vicinity of the works.

When we put on non-union men, they were assaulted when going to or returning from their work. Two were nearly killed in broad daylight in this so-called free country, and we were then compelled to have them escorted back and forth by the police.

It was in this state of things that Mr. Supt. Pillsbury solicited us to take the contract. Could we have known the sea of trouble, and the danger of ruin that lay before us we should never have accepted it; but once in it there was no retreat. Think, Mr. Chairman and gentlemen, of the herculean task of attempting to manipulate 900 raw, untrained and unwilling workers into tractable and decent mechanics and other workmen. We suffered during two years, loss of money, and of reputation on our goods, to say nothing of the mental anxiety through which we passed, and nothing but the most determined persistency carried us through it. Since those two dreadful years, the business has been fairly profitable and nothing more than that.

Our plant has been placed in the prison at a great cost, and we cannot afford to lose it. We have done the State great service, and feel that we are entitled to some consideration for it.

The drawbacks to convict labor are numerous. The short hours, the small amount of work produced, the work and material destroyed, the cost of tobacco being alone to us over \$5,000 per year. The constant exchange of men that we have trained for raw recruits, and numerous other things that might be mentioned, conspire to make the labor unprofitable. Not long since a convict, who had been irreproachable in his behavior, rushed into a room where our patterns were deposited, and with a sledge destroyed in five minutes more than \$1,500 in value, which required months to replace.

Notwithstanding all these unpleasant and unprofitable features, the system is now well established, and we are fairly satisfied to have it continue. But we should be equally well satisfied to have the State purchase our plant, and relieve us of the contract. I have made this statement to show that we were unwilling con-

tractors, and that we were contractors at all was entirely due to the refusal of the leaders to allow our men to work upon terms that the business and times would permit.

After lying idle five months beggarizing their families, and in several cases losing their little homes for which their hard earned money had partially paid, the men returned to work on the terms first offered, and they were simply the terms that always have, and still rule in more than three-fourths of the stove foundries in this country.

PRISON RINGS.

There is much flippant talk about "a prison ring," and baseless charges of attempts to improperly influence the Legislature. If there is or has been such a ring in the State of New York during the past eight years, I do not know it, and I defy the world to cite one instance, during that time, of any attempt by prison contractors or their friends, by word or act, either directly or indirectly, to influence the action of legislators on this subject, except by oral or printed arguments publicly made and circulated.

It is held by some that a prison contractor has no right to say any thing on this subject, and whatever he may say, however truthful and valuable, cannot be considered or have any weight with legislators. A man does not waive his citizenship nor his independence by being interested in a prison contract, and I spurn with contempt the idea that his word should not have the weight justly due to his ability and character as a man and a citizen, whatever it may be.

THE ELECTION IN 1883.

The result of the election in November, 1883, for and against the proposition to abolish contract labor in prisons is held by some to be morally binding upon this Legislature. This might be true, if it had been an honest expression of the will of the people; but, on the contrary, the result was largely due to intimidation and to confiscation of the ballots.

The only occasion, so far as I know, in which the prison contractors in this State have acted together, or expended a dollar, was previous to this election in procuring the printing of some

millions of ballots, with an agreement on the part of the printers to send the same to the polling places with the other ballots, a work for which the Legislature neglected to provide. If the contractors had not furnished ballots, the vote in favor of the contract system would have gone entirely by default, and it did nearly so through the disreputable proceedings of the opposition.

In the first place, to quote the language of the Hon. David Healy, late Deputy Commissioner of the Labor Bureau, and Chairman of the Executive Board of the Knights of Labor, said in the Assembly of 1883: "The subject of contract labor in prisons is too complicated to be submitted to a mere popular vote. There are too many conflicting influences involved, and the information of the people in regard to it is too limited to enable them to vote intelligently. I think it essential that the management of prisons should be kept out of politics."

The opposition papers were filled from day to day with sensational articles like the following:

"Remember that every vote in favor of contract labor is a vote to tax workingmen and mechanics \$3 to \$10 a week to put money in the pockets of the millionaire contractors."

"Remember that every vote for that accursed system is a blow at the enterprise of men in the industries with which the prison contractors compete."

"Remember that under that brutal system most of the convicts come out hardened criminals to initiate youths into crime, and to steal and rob and set fires and murder, and that seventy per cent of them are sent back to prison."

Every word of which was untrue.

In the cities and large villages there was such a systematic and wholesale destruction of the ballots "against the proposition," that at hundreds of polling places none could be found.

There appeared to be an unwillingness on the part of the representatives of both parties at the polls to handle these ballots, in view of the threats that had been made to divert the labor vote from the party that should favor them.

The committee of the Workingmen State Trades Assembly, at a meeting held November 4, said: "It having been reported that both the Democratic and Republican parties were handling tickets

against the abolition of contract convict labor, it was decided that no workingman should vote for any party who opposed the contract convict labor ticket ; that watchers should be placed at the polls to ascertain, as far as possible, the way tickets were running and to hold back until late in the afternoon and vote accordingly."

The opponents of the present system made free use of threats and intimidations to voters, and in some districts life and limb to those who favored it were endangered.

Men stood at the polls with paper and pencil in hand taking names and threatening to "boycott" grocers and others who depended upon the labor element for their trade if they voted "against the abolition." To such an extent were these threats made before the election that the Retail Grocers' Protective Association of New York was compelled to show its hand by adopting the following :

"Resolved, that the New York Retail Grocers' Union strongly recommend and urge all its members and all retail grocers throughout the State to vote at the coming election in favor of the abolition of contract convict labor in the prisons of this State."

A similar resolution was adopted by the Retail Grocers' Association of Brooklyn.

In one instance that came to our knowledge the packages of ballots were opened en route for the polls, and those "against the proposition to abolish" were taken out and destroyed.

At Elmira not a single ballot could be found "against," though 20,000 or more were printed ; the local committee refusing to distribute them, they were consigned to the waste basket.

At Troy the ballots "against" were delivered to some unknown person, and they were seen no more. Any number of cases might be quoted to the same effect.

With such influences at work the magnitude of the vote "against the proposition" is surprising, and clearly indicates that a full vote, fairly expressed, would show a large majority in favor of maintaining the present system.

Whatever the sense of the people of the State may have been on this subject, the vote as declared was no criterion of it, and none know it better than those who managed the opposition.

Previous to the election it was claimed that there was no objection to prison labor when carried on by the State, which was to receive the profits of the business, but that the great injustice to labor was to have it contracted.

Now the demand is boldly made that all productive labor in prisons shall be abolished, and that this was the question upon which the people voted.

"A manufacturer" writes, "Now I think the people of the State voted, to the extend of 138,000 majority, against the employment of convicts in mechanical industries. There may be those who will say that it was 'the contract system' that the people were opposed to. But was it a mere name or title that the people showed themselves to be so emphatically opposed to; or was it the labor done in the prisons?

"I claim it was the work done there, and no party or representative of a party can restore it under any specious name different from what it bore before."

Mr. Chairman and Gentlemen, I fear that I have exhausted your patience, but in view of the great importance of the subject I could say no less.

The existing tone in some quarters regarding prison labor is not new: it has appeared periodically about every ten years, and always with the advent of hard times. It will doubtless have its run, and the State may suffer the loss of some millions and no one be benefited.

The public are now to a considerable extent misled by statements with which a portion of the press is filled, that really have no foundation in truth, though they may in many cases be honestly believed by those who put them forth. The public may generally be trusted to discriminate very correctly in the end in such matters. It has done so in the past in regard to the management of our prisons, and will do so again.

That productive labor for convicts is indispensable to their reformation must be universally admitted. That such labor conducted under the public account system has generally resulted in disaster, and that it is the most injurious in its effects upon citizen workmen.

That the piece-price system though but little tried as yet, can doubtless be adopted with fair prospect of success.

That the contract system has produced satisfactory results in the past, not only to the State, but to the prisoners, and that such results might be confidently predicted for the future.

That no system has been devised as little detrimental to the interests of citizen workmen as this. The line of safety, therefore, appears to be plain.

JOHN S. PERRY.

ALBANY, *February 19, 1885.*

